

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

COMMISSION ADVISORY AND COMPLIANCE DIVISION  
Telecommunications Branch

RESOLUTION T-14229  
Date: November 19, 1990

R E S O L U T I O N

RESOLUTION T-14229. CALIFORNIA RSA NO.3 LIMITED PARTNERSHIP. EXECUTIVE ORDER AUTHORIZING THE ADDITION OF A NEW CELL SITE IN THE California Rural Service Area No. 3.

BY ADVICE LETTER NO. 2, FILED ON OCTOBER 19, 1990.

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SUMMARY

CALIFORNIA RSA NO.3 LIMITED PARTNERSHIP (the Partnership), by Advice Letter No. 2, filed on October 19, 1990, requests authority under the provisions of General Order 159 (G.O. 159) and Decision No. 90-03-080 (March 28, 1990) to add a new cellular radiotelephone cell site to its existing cellular system serving the California Rural Service Area No. 3. This Resolution authorizes the construction of the new cell site, known as the Fowler Peak site, located at Fowler Peak Road, Calaveras County. No protests to this Advice Letter have been filed.

BACKGROUND

Under G.O. 159 (D.90-03-080), a cellular utility must obtain authorization from the Commission before construction of cellular facilities not described in its application for a certificate of public convenience and necessity. A cellular utility must file an advice letter requesting authorization to construct after it has received all approvals for the proposed construction required by any governmental agencies with jurisdiction over the proposed construction, or which would have jurisdiction absent the Commission's preemption.

DISCUSSION

Advice Letter No. 2 contains all the information required under G.O. 159 to be included in an Advice Letter filing for authority to construct additional cellular facilities.

The Partnership has obtained permits or approvals from the following governmental entities and asserts that these entities comprise all governmental entities that have jurisdiction over the proposed construction (with the exception of the California Public Utilities Commission): the County of Calaveras, the Federal Aviation Administration, and the Federal Communications Commission.

The proposed construction will be located at Fowler Peak Road, Calaveras County and is known as the Fowler Peak site. It will consist of 5 antennas mounted on top of an existing 240-foot

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tower, a 12-ft x 28-ft equipment shelter, and a 200 gallon above ground fuel tank

The Fowler Peak site will become part of the Partnership's cellular system serving the California Rural Service Area No. 3.

Public notice that CALIFORNIA RSA NO.3 LIMITED PARTNERSHIP filed Advice Letter No. 2 requesting authority to construct the Fowler Peak site appeared in the California Public Utilities Commission's October 24, 1990 Daily Calendar. In addition, copies of the Partnership's Advice Letter No. 2 were mailed in accordance with the Commission's General Order No. 96-A, Section III. G, to competing utilities either privately or publicly owned, adjacent utilities either privately or publicly owned, utilities having requested such notification, and other interested parties having requested such notification.

PROTESTS

No protests have been filed on the Partnership's Advice Letter No. 2.

FINDINGS

1. On October 19, 1990, CALIFORNIA RSA NO.3 LIMITED PARTNERSHIP filed Advice Letter No. 2 requesting Executive authorization to construct the Fowler Peak cell site located at Fowler Peak Road, Calaveras County.
2. The Fowler Peak site represents an additional cellular radiotelephone facility not described in Decision 90-04-009, granting the Partnership a certificate of public convenience and necessity.
3. Decision 90-03-080 adopts G.O. 159 which sets forth certain requirements for the filing of advice letters requesting authorization to construct cellular radiotelephone facilities not described in a utility's certificate of public convenience and necessity.
4. Advice Letter No. 2 conforms to the requirements of Decision 90-03-080 and G.O. 159.
5. A Partnership officer signed a declaration which states that the Partnership has received all necessary permits or approvals from the governmental entities listed in Advice Letter No. 2.
6. Advice Letter No. 2 lists the following entities which have jurisdiction over the proposed construction of the Fowler Peak cell site: the County of Calaveras, the Federal Aviation Administration, and the Federal Communications Commission.

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THEREFORE, IT IS ORDERED that:

- (1) CALIFORNIA RSA NO.3 LIMITED PARTNERSHIP's request for authority to construct the Fowler Peak cell site is granted.
- (2) The effective date of this resolution is November 19, 1990.

PUBLIC UTILITIES COMMISSION  
STATE OF CALIFORNIA

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